



# AUCTION DIGEST

NEWSLETTER OF THE VIRGINIA AUCTIONEERS BOARD

Department of Professional &  
Occupational Regulation

Volume 2 - Fall 2004

## BOARD INFORMATION

### Board Members:

Samuel K. Updike, Chair  
James H. Perkinson, Vice-Chair  
Mark T. Motley  
E. Joanne Wang \*  
Amy Pence \*  
\* Public Members

### Board Staff:

Mark N. Courtney—  
Executive Director  
  
Marian H. Brooks—  
Board Administrator  
  
Trisha L. Henshaw—  
Administrative Assistant

### Licensing Specialists

Arlene C. Johnson  
Joan B. Leonard  
Oldther B. Pretlow  
Toni H. Spencer

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## Fall 2004 AUCTION DIGEST

We are pleased to bring you the second issue of **AUCTION DIGEST**! This issue of **AUCTION DIGEST** includes information about the continuing education bill that was passed in the 2004 General Assembly session, which has generated a great deal of interest from our licensees.

In addition, the Board has 3 new members that we will introduce, including one new auctioneer member and 2 new public members. Finally, we will include information regarding examination statistics, disciplinary action, and contact information just as we do in every issue.

We hope you found the first issue of **AUCTION DIGEST** helpful and informative, and hope to continue that through future issues. Once again, thank you for taking the time to read **AUCTION DIGEST** and, as always, we appreciate any suggestions or comments you can provide to help make this newsletter a useful and informative resource. ❖



## Bill Passed Requiring Continuing Education for Auctioneers

**H**ouse Bill 1022 was passed by the 2004 session of the General Assembly and subsequently signed into law by the Governor. This bill amends the Code of Virginia by adding § 54.1-603.1, which requires the Auctioneers Board to establish continuing education requirements for licensed auctioneers. Under this bill, the Board shall require at least 6 hours of Board-approved continuing education courses for the renewal or reinstatement of a license. In addition, the bill provides that any continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Institute or by participation in the educational programs sponsored by the National Auctioneer's Association or Virginia Auctioneer's Association shall satisfy the continuing education requirement.

In order to implement this change, the Board must modify its existing regulations to include continuing education requirements. The regulatory review process typically takes 18 to 24 months. The Board began the regulatory review process by authorizing the filing of the Notice of Intended Regulatory Action at its July 8, 2004, meeting. The next step was a 30-day public comment period, which ended October 6, 2004.

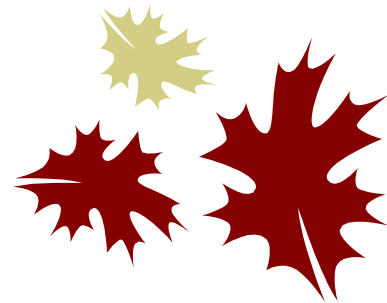
At the October 7, 2004, Board meeting, the Board adopted proposed regulations. The proposed regulations will next undergo executive branch review. After approvals are received from the necessary bodies within the executive branch, the proposed regulations will be filed for publication in the Virginia Register of Regulations. A 60-day public comment period will begin, and a public hearing for the Board to receive comments on the proposed regulations will be held during the comment period.

After the public comment period, comments received

will be summarized and a response prepared and adopted by the Board. If the Board deems it necessary, it may make changes to the regulations at this time. After any necessary changes are made, the regulations are adopted as final, undergo executive branch review again, and a 30-day comment period is held. At the end of the comment period, the regulations are final.

Anyone can view recent regulatory action by the Board by going to [www.townhall.state.va.us](http://www.townhall.state.va.us). In addition, during the public comment period, you may provide your comments by clicking the appropriate icon. Further, all Board meetings are noticed on this site, and minutes are available on this site for all board meetings. You may also register with the Town Hall to receive an e-mail notification as the regulations proceed through the regulatory review process, as well as notification when meetings are noticed and minutes are posted. ❖

The Virginia Regulatory  
**Town Hall**



### Did You Know . . .

**A**LL auctioneers licensed by the Virginia Board are required to carry their pocket cards with them and produce them upon request. 18 VAC 25-21-130 of the Board's regulations requires all individual licensees to carry their pocket cards on their person, and requires all firms to display their license in a conspicuous location at the address of record. ❖

## Meet the New Board Members

**T**he Virginia Auctioneers Board consists of five members, three licensed auctioneers and two public members, who are appointed by the Governor. Since the last issue of **AUCTION DIGEST**, there have been several changes on the Board. Following please find brief biographies of our newest Board members.

### Amy Reynolds Pence

Amy R. Pence was appointed as a public member of the Board in January 2004 to replace Beverly B. Darby.

Amy has over 13 years of program management work experience in the defense industry. Currently, she works for the Boeing Company on the Missile Defense National Team. Amy is the Manager for Program Support and Coordination. In this role, she leads a team of 14 employees providing support for the Missile Defense National Team Program. This support includes senior customer interaction and coordination, security, information technology, facility management, data management and program administration. Prior to this assignment, she was a Program Management Specialist for the Ground-Based Mid-course Defense System Program. She has additional experience as an Earned Value Manager at Booz-Allen and Hamilton where she was responsible for managing and implementing the Earned Value Management System. Prior to that, Amy worked as a Project Management Analyst for the Schafer Corporation supporting the Ballistic Missile Defense Organization. She has extensive experience in program planning and business management. Amy also worked as a Budget Analyst supporting NAVAIR in the H-53 Program office.

Amy lives in Vienna with her husband Michael Pence, a Fairfax County Deputy Sheriff, and two sons. She has lived in Vienna since 1992, where she is active in her community and church.

### E. Joanne Wang

Erlita "Joanne" Wang was appointed as a public member of the Board in July 2004 to replace Donna Newcomb.

Joanne has been the president and owner of Wang's Insurance Agency, Inc., in Annandale, Virginia, for over 10 years. She is an agent with Allstate Insurance Company and a financial representative for Allstate Financial Services, LLC. After college, where she studied business and banking, Joanne immigrated to the United States from the Philippines.


Joanne is actively involved in several organizations, including: Northern Virginia Association of Insurance & Financial Advisors, The Allstate Foundation, and Organization of Chinese American Women. Joanne lives with her husband, James, in Triangle, Virginia, with their two daughters.

### Mark T. Motley

Mark T. Motley was appointed as a licensed auctioneer member of the Board in July 2004 to replace Larry Linkous.

Mark is the President of Motley's Auction & Realty Group. Mark holds industry designations from the Auction Marketing Institute located at the University of Indiana. He holds both a real estate license and auctioneer licenses in Virginia. Mark is the second generation of auctioneers for the company and strives to continue Motley's reputation of honesty and integrity. He began his auctioning career in the family business at the age of 13 and returned from college to continue the tradition.

After the retirement of his father, Richard Motley, in 1988, Mark formed Motley's Industrial Division, the Richmond Auto Auction (sold in 2002), and Motley's Real Estate Division with annual sales over 40 million dollars.

  
The Board and staff would like to thank Mr. Linkous, Ms. Newcomb, and Ms. Darby for their service on the Board. ❖

## Contacting Board Members

When a licensee has questions arise during the course of their auctioneering duties, he or she may decide to contact a Board member for clarification regarding the regulations of the Board. This is not advisable for the following reasons.

One reason is that the situation you wish to discuss may have the potential to become a disciplinary matter for review by the Board. For example, if another auctioneer is doing something in his practice that you question. By contacting a Board member, or multiple Board members, you face the possibility of "tainting" the Board member, thus making him ineligible to review the matter once it comes before the Board for a decision. The Board member would not be able to participate in the vote regarding the matter.

Another reason that it is not advisable to contact Board members regarding Board matters is that the individual Board members are not authorized to speak on behalf of the Board. For example, if you have a question about whether or not a specific activity is allowed or prohibited by the regulations. Any information provided by the Board member may be misconstrued to be a decision by the Board, when in fact, a decision can only be made by the majority of the Board members voting during an open meeting. The thoughts or opinions of an individual Board member may not be representative of the decision of the Board.

If a licensee of the Board has questions or needs clarification regarding the regulations or specific issues that come up during the course of performing auctioneering duties, he or she should contact the Board office for direction. If it appears to be a matter that may involve possible violations of the regulations, then the individual would be advised to complete a complaint form. If it involves clarification regarding the regulations, then Board staff may be able to offer information based on passed actions by the Board as found in the minutes, or be able to

provide information pertaining to past precedence (or how a matter has been handled previously). Additionally, Board members are aware of the complications that may arise if they were to respond to queries from licensees; therefore, a phone call to a Board member will most often result in the Board member referring the caller to the Board office.

You may reach the Board office at (804) 367-8512 should you need assistance. ❖

## Department Expands Information on Website

The *License Lookup* feature on the Department's website has been expanded to include more information regarding regulants. In addition to general information regarding licenses, certificates, and registrations, the website now includes more information regarding disciplinary actions taken by the Board. If a regulant has recently been disciplined by the Board, the *License Lookup* feature will display the text of the Order for any closed cases, as well as information regarding open cases involving the regulant where probable cause has been found to exist. The Department increased the information available in order to better protect the health, safety, and welfare of the public. ❖

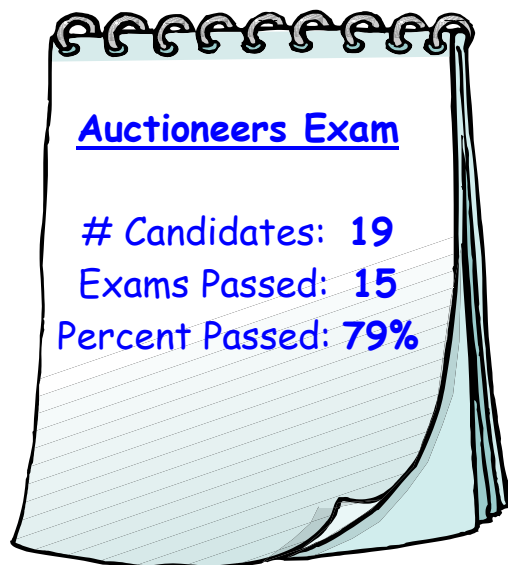
The screenshot shows a web browser window displaying the "Auctioneer Individual License" lookup page. The page includes a search form with fields for Name, License, City/State, Initial Certification Date, and Expiration Date (set to REVOKED). Below the form, it shows "Open Enforcement Cases: 0" and "Closed Enforcement Cases: 2". A table lists the closed cases with columns for Case Number, Description, and Date Case Closed.

Case Number	Description	Date Case Closed
2003	No Disciplinary Action	July
2004	Violation	July

Footnote: "Closed Enforcement Cases" reflect complaints closed since 1990. Cases closed without disciplinary action are purged after three years in accordance with DOPOR's record retention policy. Complaints involving allegations of criminal activity, and cases subject to Alternative Dispute Resolution, are not subject to disclosure and therefore are not displayed.

## Examination Statistics

The following statistics are a compilation of the Virginia candidates who sat for the Auctioneers examination between January 1, 2004, and July 31, 2004.



## New Web/E-mail Addresses for DPOR

Please note that the Department and the Board have a new website address and new e-mail addresses. The Department's new web address is [www.dpor.virginia.gov](http://www.dpor.virginia.gov). The new e-mail address for the Board is [auctioneers@dpor.virginia.gov](mailto:auctioneers@dpor.virginia.gov). While the old addresses still work at the present time, they will be discontinued in the near future, so be sure to note the new addresses. ❖



## REMINDER

### On-Line Renewals

As discussed in the last issue of **AUCTION DIGEST**, regulants of the Board can now make renewal payments on-line. You may gain access to the on-line renewal site via a PIN number that is provided on the renewal notice, which is mailed to you approximately 45 days prior to the expiration date on your license. Please be aware that the **ONLY** way to obtain a PIN number is on your renewal notice; therefore, if you do not receive, or misplace, your renewal notice, you cannot obtain your PIN number from the Board office. In this instance, you would need to pay the renewal fee by mail. Also, please remember that your license will not be renewed until the appropriate bond form or continuation certificate is received in the Board office. It is your responsibility to ensure that the bond form is received by the Board office in time for renewal. ❖

### Sole Proprietorship Requirements

If you are doing business as a sole proprietor and operating under a fictitious, "trading as," or "doing business as" name, such information can be added to your individual auctioneers license. Upon receipt of written notification by you, including a copy of the certificate setting forth the name under which business is to be conducted filed with the clerk of the court in your locality, we will add the fictitious, "trading as," or "doing business as" name to your individual auctioneers license.

Please note, however, that if you are doing business as a partnership, corporation, limited liability corporation, or ANY other business other than a sole proprietorship, you must obtain a firm license with the Board. ❖

## New Vendor for Auctioneers Exam

*Please share this information with any individuals you may know who are candidates or may be eligible for the examination.*

**E**ffective October 1, 2004, a new vendor will be administering the Board's auctioneer licensing examination. The Department has contracted with PSI Examination Services (PSI) to conduct this examination. The examination will be offered via computer daily Monday through Saturday at several sites around the state, including: Northern Virginia area, Tysons Corner Area, Richmond area, Tidewater area, Roanoke area, and Eastern Shore area (exact locations will be provided in the Candidate Information Bulletin from PSI). Paper-and-pencil examinations will be offered once every 6 months (Summer and Winter) in the southwestern areas of Virginia.

PSI works closely with the Department and its Examination Review Committee to be certain that examination meets local as well as national requirements in basic principles of auctioneering and examination development standards.

All questions and requests for information about the examination should be directed to:

PSI Examination Services  
3210 E. Tropicana  
Las Vegas, NV 89121  
(800) 733-9267  
FAX: (702) 932-2666  
www.psiexams.com

Any questions regarding licensing should be directed to the Board office. ❖



## Disciplinary Actions



**T**he following is a summary of actions taken against regulants by the Virginia Auctioneers Board. Although every effort is made to ensure that the information is correct, before making any specific decision based upon this information, you should check with the Board office to ensure accuracy.

### FILE NUMBER 2003-02911, Jimmy L. Grindstaff

**VIOLATION**—In July 2003, Grindstaff was convicted in U.S. District Court of one count for filing a false tax return. Grindstaff failed to report the gross receipt income from auction sales at his associated business. **BOARD ACTION**—Consent Order wherein Grindstaff agreed to a 10-year probation. If any regulations of the Board are violated during this time, Grindstaff's auctioneering license will be automatically revoked. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-180.A.2 **EFFECTIVE DATE**—April 8, 2004

### FILE NUMBER 2004-01620, Harry L. Laws, Jr.

**VIOLATION**—A client entered into a verbal agreement with Laws to auction goods. Laws failed to draw up a contract with the client. Additionally, Laws failed to produce documents requested by the Board's agent pertaining to the contract. **BOARD ACTION**—Final Opinion and Order imposing revocation of Law's auctioneer license (number 2905 000578) and a \$2500 monetary penalty. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110 and 18 VAC 25-21-180.A.3 **EFFECTIVE DATE**—July 8, 2004

### FILE NUMBER 2004-01641, Laws Auctioneers, Inc.

**VIOLATION**—A client entered into a verbal agreement with Laws to auction goods. Laws failed to draw up a contract with the client. Additionally, Laws failed to produce documents requested by the

(Continued on page 7)

Board's agent pertaining to the contract. **BOARD ACTION**—Final Opinion and Order imposing revocation of Laws Auctioneers, Inc., firm license (number 2908 000515) and a total monetary penalty of \$7500. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110; 18 VAC 25-21-180.A.6; and 18 VAC 25-21-160 **EFFECTIVE DATE**—July 8, 2004

**FILE NUMBER 2004-02592, Laws Auctioneers, Inc.**

**VIOLATION**—A client entered into a contract with Laws Auctioneers, Inc., to auction goods. Laws failed to produce documents requested by the Board's agent pertaining to the contract. At a scheduled appointment with the Board's agent, Laws Auctioneers, Inc., failed to make records available to the agent. Additionally, the contract does not specify the date, time, and place of the auction or auctions where the client's property was scheduled to be auctioned. **BOARD ACTION**—Final Opinion and Order imposing revocation of Laws Auctioneers, Inc., firm license (number 2908 000515) and a total monetary penalty of \$5000. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110.4; 18 VAC 25-21-180.A.6; and 18 VAC 25-21-160 **EFFECTIVE DATE**—July 8, 2004

**FILE NUMBER 2004-03081, Laws Auctioneers, Inc.**

**VIOLATION**—A client entered into a contract with Laws Auctioneers, Inc., to auction goods. Laws failed to provide the client with a legible copy of the contract. Additionally, Laws failed to produce documents requested by the Board's agent pertaining to the contract. **BOARD ACTION**—Final Opinion and Order imposing revocation of Laws Auctioneers, Inc., firm license (number 2908 000515) and a total monetary penalty of \$5000. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110.9 and 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—July 8, 2004

**FILE NUMBER 2004-02399, Laws Auctioneers, Inc.**

**VIOLATION**—A client entered into a contract with Laws Auctioneers, Inc., to auction goods. Laws failed

to produce documents requested by the Board's agent pertaining to the contract. At a scheduled appointment with the Board's agent, Laws Auctioneers, Inc., failed to make records available to the agent. Additionally, Laws failed to provide the client with legible copies of bills of sale, clerk sheets, consignment sheets, settlement papers, balance sheets or other evidence to properly account for items sold at auction. Also, the contract does not specify the date, time, and place of the auction or auctions where the client's property was scheduled to be auctioned. **BOARD ACTION**—Final Opinion and Order imposing revocation of Laws Auctioneers, Inc., firm license (number 2908 000515) and a total monetary penalty of \$10,000. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110.4; 18 VAC 25-21-180.A.6; 18 VAC 25-21-160; and 18 VAC 25-21-140 **EFFECTIVE DATE**—July 8, 2004

**FILE NUMBER 2004-02398, Laws Auctioneers, Inc.**

**VIOLATION**—A client entered into a contract with Laws Auctioneers, Inc., to auction goods. Laws failed to produce documents requested by the Board's agent pertaining to the contract. At a scheduled appointment with the Board's agent, Laws Auctioneers, Inc., failed to make records available to the agent. Additionally, Laws failed to provide the client with legible copies of bills of sale, clerk sheets, consignment sheets, settlement papers, balance sheets or other evidence to properly account for items sold at auction. Also, the contract does not specify the date, time, and place of the auction or auctions where the client's property was scheduled to be auctioned. Laws failed to disburse proceeds to the client no later than 30 days after the date of each auction. **BOARD ACTION**—Final Opinion and Order imposing revocation of Laws Auctioneers, Inc., firm license (number 2908 000515) and a total monetary penalty of \$10,000. **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-140; 18 VAC 25-21-180.A.6; 18 VAC 25-21-160; and 18 VAC 25-21-150.C **EFFECTIVE DATE**—July 8, 2004 ❖



CALENDAR OF EVENTS			
October 7, 2004	Auctioneers Board Meeting	January 20, 2005	Auctioneers Board Meeting
April 14, 2005	Auctioneers Board Meeting	July 7, 2005	Auctioneers Board Meeting
Please note that meetings usually begin at 10:00 a.m. at the Department offices located at 3600 West Broad Street, Richmond, Virginia.			
AUCTIONEERS BOARD MEMBERS			
<u>Licensed Members</u> Mark T. Motley J. Hartwell Perkinson ** Samuel K. Updike, Jr. *		<u>Public Members</u> Amy R. Pence E. Joanne Wang	
* Board President, ** Board Vice-President			
IMPORTANT TELEPHONE NUMBERS			
Licensing or Applications	(804) 367-8512 or -8506	Examination Vendor (PSI)	(800) 733-9267
Board Administration	(804) 367-8514	Complaints	(804) 367-8504
IMPORTANT WEB SITE AND E-MAIL ADDRESSES			
Dept. Web Site	http://www.dpor.virginia.gov	Board E-mail	auctioneers@dpor.virginia.gov
PSI	www.psiexams.com	Town Hall	www.townhall.state.va.us

### MOVING? PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

Name:

License Number:

Old Address:

New Address:

(P.O. Box must be accompanied by  
your physical address)

Signature:

Date:

Mail to:

Auctioneers Board, Department of Professional & Occupational Regulation  
3600 West Broad St.  
Richmond, VA 23230-4917